



U.S. Patent Application serial No.: 10/517,734  
Attorney Docket No. 696-268A (1003465-00167)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Oleksy et al. )  
Serial No.: 10/517,734 )  
Filed: December 8, 2004 )  
Group Art Unit: 1797 )  
Examiner: Nguyen, Tam M )

For: EB/SM SPLITTER HEAT RECOVERY

New York, NY 10036  
June 10, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)**

Sir:

In response to the Notice of Non-Compliant Amendment (37 CFR 1.121) (the "Notice") that issued on May 21, 2009, in the above-identified patent application, please consider the following:

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**CERTIFICATION UNDER 37 C.F.R. § 1.8**

I hereby certify that the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date June 10, 2009 in an envelope addressed to: Mail Stop Amendment: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: June 10, 2009

  
Peter J. Fallon, Reg. No. 58,331